

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN KEITH JONES,
Plaintiff,
v.
BERGELECTRIC, INC., et al.,
Defendants.

No. 2:21-cv-0614-KJM-CKD PS

ORDER

This matter came before the undersigned for an initial scheduling conference on November 3, 2021. Having considered the status reports filed (ECF Nos. 50, 51) and the parties' representations at the status conference, the undersigned will issue a pretrial scheduling order upon resolution of issues pertaining to service of process.

As discussed at the scheduling conference, defendant Associated Builders and Contractors, Inc., Northern California Chapter Unilateral Apprenticeship Committee ("ABC") has filed a motion to dismiss asserting, for one ground, that plaintiff failed to meet statutory and court-imposed deadlines for service of process. (ECF No. 43.) Specifically, defendant ABC asserts plaintiff elected to pursue a waiver of service and that defendant ABC signed a waiver of service and returned it to plaintiff on January 20, 2021. (ECF No. 43-3 at ¶ 3.) However, plaintiff has not filed the signed waiver with this court.

1 In order for this action to proceed against defendant ABC “as if the summons and
2 complaint had been served,” plaintiff must *file the signed waiver* with the court. Fed. R. Civ. P.
3 4(d).¹ The deadline for plaintiff to file proof of service as to defendant ABC was previously
4 extended to November 12, 2021. (ECF No. 48.) Plaintiff is again cautioned that failure to
5 demonstrate proof of service on or by this date may result in dismissal of his claims against
6 defendant ABC.

7 Based on the foregoing, IT IS HEREBY ORDERED that plaintiff shall file the waiver of
8 service executed by defendant ABC on or before November 12, 2021 if plaintiff intends to pursue
9 his claims against defendant ABC.

10 Dated: November 4, 2021



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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28 ¹ Because defendant Bergelectric has not challenged service of process, only the executed waiver
of defendant ABC is at issue.